

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
GARDEN CITY BOXING CLUB, INC.

Plaintiff

CIVIL NO. 07-CV-8753

-AGAINST-

TENTACIONES POBLANAS RESTAURANT, INC.  
d/b/a TENTACIONES MEXICANAS RESTAURANT  
and UBALDO GUERRERO

**NOTICE OF SETTLEMENT**

Defendant

-----X

Sirs:

PLEASE TAKE NOTICE that a final judgment of which the within is a copy will be presented to the Honorable Laura Taylor Swain, Judge of the United States District Court for the Southern District of New York, at the United States Courthouse, 500 Pearl Street, New York, New York, on the 20<sup>th</sup> day of May, 2008 at 12:00 o'clock p.m.

Mt. Sinai, NY  
May 5, 2008

By: /s/ Paul J. Hooten  
Paul J. Hooten  
Paul J. Hooten & Associates  
5505 Nesconset Highway, Suite 203  
Mt. Sinai, NY 11766

To: Tentaciones Poblanas Restaurant, Inc.  
d/b/a Tentaciones Mexicanas Restaurant  
989 Westchester Avenue  
Bronx, NY 10459

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
GARDEN CITY BOXING CLUB, INC.

Plaintiff

CIVIL NO. 07-CV-8753

-AGAINST-

TENTACIONES POBLANAS RESTAURANT, INC.  
d/b/a TENTACIONES MEXICANAS RESTAURANT  
and UBALDO GUERRERO

**DEFAULT JUDGMENT**

Defendant

-----X

This action having been commenced on October 10, 2007 by the filing of the Summons and Complaint, and a copy of the Summons and Complaint having been served on the defendant, Tentaciones Poblanas Restaurant, Inc, d/b/a Tentaciones Mexicanas Restaurant on December 6, 2007, and a proof of service having been filed on December 17, 2007 and the defendant not having answered the Complaint, and the time for answering the Complaint having expired. The Clerk also noted the defendant's default on April 10, 2008, it is

ORDERED, ADJUDGED AND DECREED: That the plaintiff have judgment against defendant in the amount of \$20,000.00 with interest at 9% from November 27, 2004, amounting to \$6,150.00; plus costs and disbursements of this action in the amount of \$470.00, amounting in all to \$26,620.00.

Dated: New York, New York

\_\_\_\_\_

\_\_\_\_\_  
Laura Taylor Swain  
United States District Judge

This document was entered on the docket  
on \_\_\_\_\_

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
-----X  
GARDEN CITY BOXING CLUB, INC.

Plaintiff

07 CV 8753

-AGAINST-

TENTACIONES POBLANAS RESTAURANT, INC.  
d/b/a TENTACIONES MEXICANAS RESTAURANT  
and UBALDO GUERRERO

**AFFIDAVIT FOR JUDGMENT**  
**BY DEFAULT**

Defendant

-----X

STATE OF NEW YORK     )  
                                  )     ss:  
COUNTY OF NEW YORK    )

Paul J. Hooten, being duly sworn, deposes and says:

I am a member of the Bar of this Court and am associated with the  
firm of Paul J. Hooten & Associates, attorney for plaintiff in the above-entitled action and I am  
familiar with all the facts and circumstances in this action.

1. I make this affidavit pursuant to Rule 55.1 and 55.2(a) of the Civil  
Rules for the Southern District of New York, in support of plaintiffs application for the entry of a  
default judgment against defendant.

2. This is an action to recover the unauthorized exhibition of the telecast  
of the November 27, 2004, boxing match between Erik Morales and Marco Antonio Barrera III  
by the defendant. See attached summons and complaint attached hereto as Exhibit "A".

3. This action was commenced on October 10, 2007 by the filing of the summons and  
complaint. A copy of the summons and complaint was served on the defendant Tentaciones  
Poblanas Restaurant Inc. d/b/a Tentaciones Mexicanas on December 6, 2007 by service on Carol

Vogt, Clerk Authorized to Accept in the office of the Secretary of State of New York. The defendant has not answered the complaint and the time for the defendant to answer the complaint has expired.

4. This action seeks judgment in the amount of \$20,000.00, plus interest at 9% from November 27, 2004, amounting to \$6,150.00, plus costs and disbursements of this action in the amount of \$470.00 amounting in all to \$26,620.00.

WHEREFORE, plaintiff requests the entry of Default and the entry of the annexed Judgment against defendant.

Dated: Mt. Sinai, New York  
May 5, 2008

/s/ Paul J. Hooten  
Paul J. Hooten (PJH9510)

Sworn to before me this  
5<sup>th</sup> day of May, 2008

/s/ Cheryl E. Lorefice  
Notary Public

Cheryl E. Lorefice  
Notary Public, State of New York  
No. 4999823  
Qualified in Suffolk County  
Commission Expires August 3, 2010

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
-----X  
GARDEN CITY BOXING CLUB, INC.

Plaintiff 07 CV 8753

-AGAINST-

TENTACIONES POBLLANAS RESTAURANT, INC.  
d/b/a TENTACIONES MEXICANAS RESTAURANT  
and UBALDO GUERRERO

**STATEMENT OF DAMAGES**

Defendant  
-----X

Amount of judgment ..... \$20,000.00

Interest at 9% from November 27, 2004 0through April, 2008 ..... \$ 6,150.00

Costs and Disbursements:

Clerk's fee ..... \$ 350.00

Process Server fee for service ..... \$ 120.00

Total as of April 2008..... \$26,620.00

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
-----X  
GARDEN CITY BOXING CLUB, INC.

Plaintiff 07 CV 8753

-AGAINST-

TENTACIONES POBLANAS RESTAURANT, INC.  
d/b/a TENTACIONES MEXICANAS RESTAURANT  
and UBALDO GUERRERO

**CERTIFICATE OF SERVICE**

Defendant  
-----X

I certify that a copy of the Notice of Settlement, Default Judgment, Affidavit for Judgment by Default, Affidavit of Service of the Summons and Complaint, Clerk's Certificate of Default and Statement of Damages was sent via U.S. Postal Service, postage prepaid, first class mail, addressed to the following on May 5, 2008:

Tentaciones Poblanas Restaurant, Inc.  
d/b/a Tentaciones Mexicanas Restaurant  
989 Westchester Avenue  
Bronx, NY 10459

By: /s/ Paul J. Hooten  
Paul J. Hooten, Esquire  
Attorney for Plaintiff  
5505 Nesconset Highway, Suite 203  
Mt. Sinai, NY 11766  
Telephone (631) 331-0547